GOVERNMENT NOTICE NO. 87

ENVIRONMENT MANAGEMENT ACT

(CAP. 60:02)

ENVIRONMENT MANAGEMENT (CLIMATE CHANGE FUND) REGULATIONS, 2018

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IN EXERCISE of the powers conferred by section 77 of the Environment Management Act, I, AGGREY MASI, Minister of Natural Resources, Energy and Mining, make the following Regulations—

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Environment Management (Climate Change Fund) Regulations, 2018.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"Director" means the Director of Environmental Affairs;

"Fund" means the Environment Management Fund styled, under these Regulations, as the Climate Change Fund and established under regulation 3.

PART II—ESTABLISHMENT, OBJECTIVES AND REVENUE OF THE FUND

Establishment of Fund

3. There is hereby established, under the Environment Management Fund, a special Fund to be known as the Climate Change Fund for the purposes set out in regulation 4.

Objectives of Fund

4. Without derogation to the generality of section 57(*e*) of the Act, the objectives of the Fund shall be to—

(*a*) provide financial and other resources for undertaking climate change interventions in Malawi;

(*b*) promote, with respect to climate change, the attainment of—

(i) climate change adaptation;

(ii) climate change mitigation;

(iii) capacity building, education, training and awareness activities;

(iv) research, technology development and transfer and systematic observation;

(*c*) stimulate co-operation and participation in the pursuit of the above objectives in climate change interventions.

Revenue of Fund

5. The Fund shall consist of—

(*a*) moneys appropriated by the National Assembly for the purposes of the Fund;

(*b*) advances made by the Minister responsible for finance in order to meet a deficiency in the Fund;

(*c*) any moneys or assets received for the purposes of or vested in or accrued to the Fund under the Act or otherwise;

(*d*) levies, fees or penalties relating to climate change under any written law; and

(*e*) any interest on investments.

PART III—ADMINISTRATION OF THE FUND

Administration of Fund

6.—(1) The Fund shall be administered, in accordance with the purposes of the Fund, by a Fund Manager.

(2) The Fund Manager shall be recruited through an open and transparent process by the Secretary responsible for climate change and shall be appointed by the Minister for that purpose.

(3) The Fund Manager shall report to the Director of Environmental Affairs.

(4) The Fund Manager shall, subject to any directions of the Secretary to the Treasury, maintain all necessary books and accounts to enable him to produce annually a receipts and payments account and such other accounts as may be required by the Secretary to the Treasury.

(5) For the better carrying into effect of his functions, in the administration of the Fund, the Fund Manager may—

(*a*) designate or appoint officers for the implementation of the activities of the Fund;

(*b*) establish such number of committees or panels as may be

considered necessary to perform the functions and responsibilities as may be determined by the Director.

(6) The Fund shall be subject to the Public Procurement and Disposal of Assets Act, the Public Audit Act and the Public Finance Management Act and shall be audited annually by the Auditor General. Cap. 37:03 Cap. 37.01 Cap 37:02

7. The moneys of the Fund shall be applied for the objectives specified under regulation 4 and for no other purpose. Exclusive application of Fund

PART IV—MISCELLANEOUS

8. A person who contravenes any provision of these Regulations commits an offence and is liable, on conviction, to imprisonment for a term of three months. General penalties

9. Where procedures are not expressly provided for in these Regulations, the Director may do whatever is necessary, reasonable and permitted by applicable law to enable it to effectively and completely deal with the matter before it. Power to supplement procedures

Dated this 12th day of December, 2018.

A. MASI
Minister of Natural Resources, Energy and Mining

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